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Problem Solvers to the
Telecommunications Industry

July 7, 2000

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

VIA HAND DELIVERY

Magalie Roman Salas
Office of the Secretary
Federal Communications Commission
45 12th Street, SW
Washington, DC 20054

Re: 2000 Biennial Regulatory Review of Part 68 of the
Commission's Rules and Regulations, CC Docket No. 99-216

Dear Ms. Salas:

Enclosed are an original and five copies of the Alliance for Telecommunications Industry Solutions' ("ATIS") reply comments in response to the FCC's Notice of Proposed Rulemaking ("NPRM") in the above-captioned proceeding. Please date-stamp and return the extra copy to our messenger.

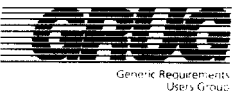
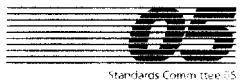
Please contact me 202/434-8847 if you have any questions or comments.

Sincerely,

Megan Campbell
General Counsel

Enclosures

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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OFFICE OF THE SECRETARY

In the Matter of

2000 Biennial Regulatory Review of)	
Part 68 of the Commission's)	CC Docket No. 99-216
Rules and Regulations)	

REPLY COMMENTS OF THE ALLIANCE FOR TELECOMMUNICATIONS
INDUSTRY SOLUTIONS (ATIS)

Megan L. Campbell
General Counsel
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July 7, 2000

**Before the
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**REPLY COMMENTS OF THE ALLIANCE FOR TELECOMMUNICATIONS
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**REPLY COMMENTS OF THE ALLIANCE FOR TELECOMMUNICATIONS
INDUSTRY SOLUTIONS (ATIS)**

The Alliance for Telecommunications Industry Solutions ("ATIS") submits these reply comments with the Federal Communications Commission (the "FCC" or the "Commission") after submitting comments on June 23, 2000 ("ATIS Comments") in response to the FCC's Notice of Proposed Rulemaking ("NPRM"), In the Matter of 2000 Biennial Regulatory Review of Part 68 of the Commission's Rules and Regulations, released May 22, 2000.

I. INTRODUCTION

As previously stated in the ATIS Comments, ATIS supports the Commission's efforts to privatize the establishment of Part 68 technical criteria for customer premises equipment ("CPE"). ATIS also supports the concept of a "gatekeeper" organization governed by fair and open procedures and representative of all industry segments and other interested parties.

ATIS believes that the key for the successful transition of this responsibility from the regulatory arena to the industry is the structure, operating principles and interested party representation established for the "gatekeeper" organization. As noted by many respondents in their initial comments, the need to protect the public switched telephone network (PSTN) has only increased given the proliferation of new technologies and local

competition.¹ With this increased need, the vehicle by which this responsibility transfers to the industry must resound of fairness and inclusiveness in all aspects in order for the end product to gain industry legitimacy and to truly allow the Commission to act in a monitoring role as opposed to its current level of involvement. Anything less could lead to skepticism of the process resulting in appeals to the Commission and a potential reversion to the rulemaking process neither of which furthers the Commission's goal of making the process faster and more responsive to innovation.

Accordingly, the ATIS reply comments below emphasize and expand on the qualities and characteristics of the "gatekeeper" organization as previously advocated by ATIS and reinforce those qualities of ATIS making it well positioned to be the "gatekeeper" organization. These reply comments also address several issues set forth by other respondents as part of the original filing in this matter.

II. THE "GATEKEEPER" ORGANIZATION QUALITIES

A. Fair and Open

One of the consistent themes in all of the original comments filed to the NPRM was that the "gatekeeper" organization must not only *observe* fair and open processes but also *ensure* that the reality is such. While incorporating the ANSI procedures for consensus is more than a start, ATIS believes that the important role the "gatekeeper" would perform requires the highest level of procedural safeguards possible given the desire to streamline and minimize the process. As ATIS and other respondents observed, those safeguards include, not to the exclusion of others: publicly disseminated meeting notification, notification of proposed resolutions, accurate meeting notes, leadership election processes, adequate appeal mechanisms, and careful consideration of all views and objections. An additional safeguard that ATIS has implemented with all of its sponsored forums and committees is antitrust/legal issues and facilitation training, primarily for

¹ See e.g., BellSouth Comments, filed June 23, 2000, at 8; Nortel Networks Comments, filed June 23, 2000 at 3.

those individuals in leadership positions but open to all. ATIS has found that such training helps to sensitize those individuals to potential problems and provides options for avoiding those problems while maintaining industry cooperation.

B. Diverse Representation

An equally consistent theme in the original comments, one that ATIS holds as a core value, was that of diverse representation in the “gatekeeper” organization. The “gatekeeper” organization must be representative of all industry segments as well as other interested parties. USTA stated that, “The gatekeeper should be composed of a diverse group of industry experts, representing all facets of the industry.”² Lucent Technologies also advocated that the “gatekeeper” be structured, “to ensure that a diversity of viewpoints is considered.”³ As mentioned in the introduction above, ATIS believes that the “gatekeeper” organization must include all interested parties, i.e., service providers, manufacturers, qualified testing organizations and others.

For this reason, ATIS would encourage cautious consideration of the proposal set forth by the Telecommunications Industry Association (TIA) in its comments regarding the proposed composition of the “gatekeeper” organization.⁴ ATIS argues that the “gatekeeper” organization should be composed of representatives from the affected and interested industry entities themselves and not simply of representatives from “stakeholder” SDOs. While the SDOs potentially involved in the development of Part 68 technical criteria for CPE certainly should be represented, the individual corporate entities should also be allowed to participate. The reasons for this are twofold: first, minority views may not be represented or advocated with the same zeal or understanding by an “SDO stakeholder” as by a company representative and; second, the approval

² USTA Comments, filed June 23, 2000 at 4.

³ Lucent Technologies Comments, filed June 23, 2000 at 3.

⁴ TIA Comments at 13-14. (TIA suggests that the proposed “gatekeeper” or technical advisory council (TAC) consist of representatives of existing stakeholder entities e.g., ATIS Committee T1, TIA, USTA, ITI, TCB, ACIL and the FCC.)

processes for liaison representations or communications may actually slow the progress of the “gatekeeper” organization where the “gatekeeper” organization may have more streamlined procedures than an existing SDO.

III. ATIS AS THE “GATEKEEPER” ORGANIZATION

Given the appropriateness of the above discussed qualities – fair, open and diverse representation – for the “gatekeeper” organization, ATIS argues that it is well positioned to be that organization. ATIS exists to provide open and fair forums for the industry to come together and to create standards and guidelines in lieu of regulatory proceedings. All ATIS committees and forums⁵ operate under the fair and open principles espoused above. The ATIS professional staff, particularly the legal department, is highly knowledgeable of the ANSI procedures and adept at providing not only administrative support but also facilitation guidance that allows the industry experts to focus on the work at hand – the establishment of technical criteria. In addition, the experience of the ATIS staff having sponsored Committee T1 for sixteen years and having successfully passed all ANSI audits, would enable the staff to help *ensure* that fair and open processes are in fact observed. With the assistance of the ATIS staff in the development of procedures and electronic means of material distribution, the “gatekeeper” organization could be in a position to begin the transition of responsibilities in a short period of time.

Furthermore, as discussed in detail in the ATIS Comments, ATIS membership includes companies from all segments of the industry. BellSouth stated in its comments, “BellSouth would support the designation of ATIS or one of its T1 committees as the “gatekeeper SDO. ATIS satisfies the selection criteria proposed by the Commission and, as Sprint has pointed out, has a broader representation than TIA.”⁶ ATIS believes that

⁵ The Telecommunications Fraud Prevention Committee (TFPC) is an exception to this statement where the subject matter discussed by the participants is subject to a non-disclosure agreement given the potential for fraud opportunities to the general public if freely available.

⁶ BellSouth Comments, June 23, 2000, at 12. (The Sprint comments referenced by BellSouth stated that Sprint recommends ATIS/Committee T1 “because it includes central office switch engineers from

“gatekeeper” organization or the secretariat organization associated with the “gatekeeper” must be representative of the industry in order to provide the neutrality necessary for the legitimacy and acceptance of the work product.

IV. CONCLUSION

In conclusion, ATIS believes that the successful transition of the establishment of Part 68 technical criteria for CPE to the industry requires a fair and open arena with diverse industry representation. ATIS believes that it is uniquely qualified to provide such an arena.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Megan L. Campbell". The signature is fluid and cursive, with the first name "Megan" and last name "Campbell" clearly distinguishable.

Megan L. Campbell

General Counsel

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equipment manufacturers and because it says the group has a greater participation by incumbent and new local exchange carriers.” Sprint Comments, July 2, 1999, at 8.)